

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KENNETH DEVELL JOHNSON,
JR. and KENYETTE TANJAMIKA JOHNSON,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KENNETH JOHNSON,

Respondent-Appellant,

and
DEMETRIA LOUISE TAYLOR,
Respondent.

In the Matter of KENNETH DEVELL JOHNSON,
JR. and KENYETTE TANJAMIKA JOHNSON,
Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

DEMETRIA LOUISE TAYLOR,

Respondent-Appellant,

and
KENNETH JOHNSON,
Respondent.

UNPUBLISHED
September 18, 2003

No. 244038
Wayne Circuit Court
Family Division
LC No. 90-288600

No. 244140
Wayne Circuit Court
Family Division
LC No. 90-288600

Before: Smolenski, P.J., and Murphy and Wilder, JJ.

MEMORANDUM.

In these consolidated appeals, respondents appeal as of right from the trial court order terminating their parental rights to the minor children under MCL 712A.19b(3)(g), (i), and (j). We affirm. These appeals are being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I);¹ *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The evidence established that both respondents were unable to permanently overcome their substance abuse issues and provide appropriate housing and care for the children despite twelve years of attempts by respondent-mother and prior attempts by respondent-father. The evidence also clearly showed that, after complying with services and conditions of parole and receiving custody of the children, respondents had allowed the children's home environment to become unfit and unsafe because of drug use, lack of supervision, and prostitution. Given the prior unsuccessful attempts to become fit parents, the trial court correctly found that there was no reasonable expectation that respondents would be able to provide proper care and custody within a reasonable time. Similarly, because of continued drug use, the trial court correctly found that returning the children to respondents' care would likely cause the children harm.

Subsection 19b(3)(i) applied only to respondent-mother. Evidence of this subsection was clearly established by the prior order terminating her parental rights to five other children because of drug use and neglect following unsuccessful attempts to rehabilitate her.

Finally, the evidence did not show that termination of respondents' parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Accordingly, the trial court did not err in terminating respondents' parental rights to the children.

Affirmed.

/s/ Michael R. Smolenski

/s/ William B. Murphy

/s/ Kurtis T. Wilder

¹ As of May 1, 2003, this rule is found at MCR 3.977(J).